IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE D.S.R.VARMA**

**WRIT PETITION NO : 25277 of 2004**

Between:

1 Shaik Mastan Bi W/o Shaik Salam
Lam Village, guntur district.
2 Shaik Salam S/o Share Ali
Lam village, Guntur District.

**..... PETITIONERS**

AND

1 The Goverment of Andhra Pradesh, Represented by its Principal Secretary, Department of Home, Secretariat Building, Hyderabad.
2 The State Station House Officer, Arandalpet law and Order Police Station, Arandalpet, Guntur

3. G. Halaluyamma, w/o. Mohan Rao,

Age: 40 years, household, Patnam Malapalli,

Amaravathi town, Guntur District.

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Certiorari Calling for the records of the CirmeNo.243/2004 of Arandalpet Law and Order Police Station under section 120-B, 406, 420 r/w Section 34 IPC, Section 212 IPC, Section 5 of A.P. Protection of Depositors of Financial Establishments Act, 1999, dated 09/07/2004 and quash the same.

**Counsel for the Petitioners: SUBHANI.S.M.**

**Counsel for the Respondents1 & 2: G.P. FOR HOME**

**Counsel for the Respondent No.3: None appeared**

**The Court at the stage of admission made the following:**

THE HONOURABLE SRI JUSTICE D.S.R.VARMA

W.P.No.25277 of 2004

ORAL ORDER:

Heard both sides.

2. The grievance of the petitioners is that in spite of the fact that the names of the petitioners do not figure as accused in the First Information Report in Crime No.243 of 2004 of Arandalpet Law and Order Police Station, Guntur, the second respondent is harassing them frequently in different ways.

3. A learned single Judge of this Court on 27-01-2005 having heard the matter, at the admission stage, and while passing interim directions, expressed the view that it was evident that the whole effort on the part of the third respondent was to cover her own lapses.

It was further observed that it was the third respondent who was said to have collected huge amounts without any legal sanction and for her mistake the petitioners cannot be harassed. It was further categorically found that the names of the petitioners do not appear in the First Information Report. In the

absence of any complaint, particularly in the absence of the names of the petitioners in the First Information Report, the second respondent is not supposed to proceed with any investigation insofar as the petitioners are concerned in connection with Crime No.243 of 2004 of Arandalpet Law and Order Police Station, Guntur.

4. Having regard to the facts and circumstances of the case, the writ petition is disposed of, at the admission stage, directing the second respondent not to proceed with investigation against the petitioners and not to harass them in connection with Crime No.243 of 2004 of Arandalpet Law and Order Police Station, Guntur. However, it is made clear that if there is any complaint whatsoever against the petitioners, the second respondent is always at liberty to conduct investigation against the petitioners, strictly in accordance with law, but not in such a way which can be termed as harassment.

_____

D.S.R.VARMA, J

11TH MARCH 2005

Note:

Issue CC in three days

(B/o)

ISN

ASSISTANT REGISTRAR

To

1 The Principal Secretary, Government of Andhra Pradesh,
Department of Home, Secretariat Building, Hyderabad.
2 The State Station House Officer, Arandalpet law and Order Police Station,

Arandalpet, Guntur

3. Two CCs to G.P. for Home, High Court Buildings, Hyderabad (OUT).

4. Two CD copies

THE HONOURABLE SRI JUSTICE D.S.R.VARMA

–

–

–

–

–

–

–

W.P.No.25277 of 2004

Note:

Issue CC in three days

11TH MARCH 2005